



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2015 REGULAR SESSION

---

HOUSE BILL NO. 312

AS ENACTED

---

WEDNESDAY, MARCH 11, 2015

---

RECEIVED AND FILED  
DATE March 19, 2015  
2:41 pm  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adler

1 AN ACT relating to stray equines and cattle.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 259.120 is amended to read as follows:

4 Stray equines and stray cattle shall be taken up and posted in the following manner:

5 (1) (a) Documentation of stray equines shall be taken before a county  
6 judge/executive~~justice of the peace~~ of the district, who shall administer to  
7 the taker-up an oath, in substance, that the equine was taken up by him as a  
8 stray and that he has not defaced or altered the marks, ~~{or}~~ brands, or other  
9 identifiers, including but not limited to microchips or freeze brands, of the  
10 equine.

11 (b) Documentation of stray cattle shall be taken before a county  
12 judge/executive~~justice of the peace~~ of the district, who shall administer to  
13 the taker-up an oath, in substance that the cattle were taken by him as strays  
14 on his premises within the preceding ten (10) days and that he has not defaced  
15 or altered the marks or brands of the cattle.

16 (c) Duties of the county judge/executive pertaining to stray equines shall be to:

- 17 1. Contract with a licensed veterinarian, who shall document the stray  
18 equine's breed, color, sex, marks, brands, scars, and other  
19 distinguishing features, perform a microchip scan, and identify the  
20 existence of lip tattoos, freeze brands, or microchips;
- 21 2. Record the veterinarian's findings, the name and residence of the  
22 taker-up, and the location of the stray equine in a book to be kept by  
23 him for that purpose;
- 24 3. Maintain documentation in electronic and paper format; and
- 25 4. Send a copy of the documentation of the stray equine to the Office of  
26 the State Veterinarian, who shall post notification on the Office of the  
27 State Veterinarian's Web site. The Office of the State Veterinarian

1                   shall post one (1) photograph of the stray equine's front view,  
 2                   including its head and feet, and one (1) photograph of the stray  
 3                   equine's side view from muzzle to tail.~~[ The justice shall then value the~~  
 4                   ~~stray equine or cattle himself and take a correct description of the flesh-~~  
 5                   ~~marks, age and brands of the same, all of which, together with the name~~  
 6                   ~~and residence of the taker-up, he shall record in a book to be kept by him~~  
 7                   ~~for that purpose. He shall ]~~

8       (2) The county judge/executive shall give to the taker-up a copy of the documentation  
 9                   for the record and immediately deliver to the county clerk a certified copy of the  
 10                   same record~~[ within thirty (30) days].~~

11       (3)~~[(2)]~~ The clerk shall immediately record the stray certificate of the county  
 12                   judge/executive as provided by the taker-up~~[justice]~~ in a book to be kept by him for  
 13                   that purpose.~~[ His fee for this service shall be seventy five cents (\$0.75) to be paid~~  
 14                   ~~by the taker-up.]~~

15       (4)~~[(3)]~~ The taker-up shall immediately post~~[cause to be posted]~~ a copy of the county  
 16                   judge/executive's~~[justice's]~~ certificate in the sheriff's office with jurisdiction over  
 17                   the area where the stray cattle or stray equine was taken up~~[ within one (1) month]~~  
 18                   after he has posted the stray. Hold time for stray equines shall begin after all  
 19                   documentation has been properly filed and posted by the county judge/executive  
 20                   and taker-up.

21       (5)~~[(4)]~~ (a) If ownership is found from identifiers of the stray equine such as lip  
 22                   tattoos, freeze brands, or microchips, efforts shall be made by the  
 23                   county/judge executive or his designee to ascertain the owner by  
 24                   investigatory due diligence in locating the owner and providing notice  
 25                   before holding time expires. The owner/claimants of the stray equine shall  
 26                   reimburse the county judge/executive for the cost of the veterinarian's  
 27                   assessment per the contracted agreement.

(b) The taker-up shall be paid by the owner of the stray, if and when he claims the stray or its value, ~~[the fee paid the clerk]~~ and the actual itemized costs incurred by the taker-up for keeping the stray equine or cattle. In the event that a dispute arises relating to ownership, adverse claimants, third-party claims or liens, value of the equine, or actual itemized expenses incurred, the parties may file an action in a court of competent jurisdiction of the county in which the stray equine was taken up. The filing of an action under this paragraph shall toll holding time as to vesting of ownership interests.

(c) The taker-up may have the stray equine sterilized only after the fifteen (15) day holding period has expired and ownership vested pursuant to Section 2 of this Act, and any pending court cases pertaining to the stray equine have been resolved~~[gelded, in which case the owner shall also pay the taker-up for the actual cost incurred for the gelding]~~.

➔ Section 2. KRS 259.130 is amended to read as follows:

The absolute ownership of a stray equine shall vest in the taker-up at the expiration of fifteen (15)~~[ninety (90)]~~ days after the county judge/executive~~[justice]~~ has received the evidence of the required documentation~~[valuation and]~~ administered the oath to the taker-up, and the county judge/executive and taker-up have filed and posted the required documentation pursuant to Section 1 of this Act. The absolute ownership of stray cattle shall vest in the taker-up after the expiration of twelve (12) months from the day on which the cattle have been posted.

➔ Section 3. KRS 259.140 is amended to read as follows:

(1) ~~If [stray equines or] cattle taken up under KRS 259.120 are sold for a profit before absolute ownership of the [stray equines or] stray cattle has vested in the taker-up as provided by KRS 259.130, then the taker-up shall pay to the owner upon demand and proof of ownership the amount received for the [stray equine or] stray cattle less the amount owed by the owner to the taker-up under KRS 259.120. The owner shall~~

1 not be entitled to any payment from the taker-up under this section if demand for  
2 payment is made more than fifteen (15)~~ninety (90)~~ days after the posting of the  
3 stray equine and vesting of ownership pursuant to Section 2 of this Act or more  
4 than twelve (12) months after the posting of the stray cattle under KRS 259.120.

5 (2) County judges/executive or participating state agency~~Justices of the peace~~,  
6 county clerks, and all other local government employees acting in good faith in the  
7 discharge of the duties imposed by KRS 259.105, 259.110, 259.120, 259.130, and  
8 this section shall be immune from criminal and civil liability for any act related to  
9 the taking up and posting of stray equines or stray cattle.

Erny D. St-Lo  
Speaker-House of Representatives

Robert St. Louis  
President of Senate

Attest: Dean E. Burgin  
Chief Clerk of House of Representatives

Approved John J. Bunker  
Governor

Date 3/19/15